



Courtney Biery Estes
General Attorney

BNSF Railway Company
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Fort Worth, TX 76181
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131-2828
817-352-2351
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Courtney Estes@BNSF.com

VIA UPS OVERNIGHT MAIL

June 23, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

FEE RECEIVED

JUN 24 2011

**SURFACE
TRANSPORTATION BOARD**



Re: STB Docket No. AB-6 (Sub-No. 474X)
BNSF Railway Company -Abandonment Exemption- in Washington County, Minnesota

Dear Ms. Brown:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 474X) are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50.

Also enclosed is a check in the amount of \$3,600.00 for the filing fee.

Sincerely,

Courtney Biery Estes
General Attorney

FILED

JUN 24 2011

**SURFACE
TRANSPORTATION BOARD**

Enclosures: As stated

CBE/js

ENTERED
Office of Proceedings

JUN 24 2011

**Part of
Public Record**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN WASHINGTON COUNTY,)	(SUB-NO. 474X)
MINNESOTA)	

NOTICE OF EXEMPTION

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated: June 23, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN WASHINGTON COUNTY,)	(SUB-NO. 474X)
MINNESOTA)	

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 0.51 miles of rail line located between milepost 15.59 and milepost 16.10 in Washington County, Minnesota (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is August 13, 2011.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as **Exhibit A**.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

(2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon the 0.51 miles of rail line located between milepost 15.59 and milepost 16.10 at Hugo, in Washington County, Minnesota. There has been no local or overhead freight rail traffic on the Line in over two years.

(4) ***Map.***

A map of the Line is attached as **Exhibit B**.

(7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131

(8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP code: 55038.

(e) ***Rural and community impact.***

(4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.***

The Line traverses predominantly suburban/urban areas with more

than adequate road and highway networks, therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. The right-of-way, however, is suitable for recreational trails. Some of the property underlying the right-of-way is reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

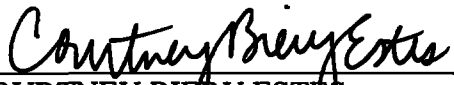
6. *Environmental Report.*

The Environmental Report containing information required by 49 C.F. R. § 1105.7(e) is attached hereto as **Exhibit D**. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. *Historic Report.*

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as **Exhibit D**.

Respectfully submitted,



COURTNEY BIERY ESTES
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated: June 23 2011

EXHIBIT A


**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
) **ss.**
TARRANT COUNTY)

I, Susan Odom, being duly sworn depose and state that I am Manager Network Studies for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between milepost 15.59 and milepost 16.10 at Hugo, in Washington County, Minnesota ("the **Line**") for at least two (2) years prior to the date hereof. Also, no overhead traffic has been handled on the Line for at least two (2) years prior to the date hereof. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Susan Odom
Manager Network Studies

SUBSCRIBED AND SWORN TO before me this 21st day of June, 2011.

My Commission Expires: 9/8/14



Notary Public

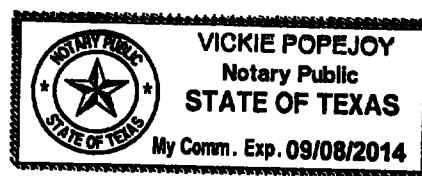
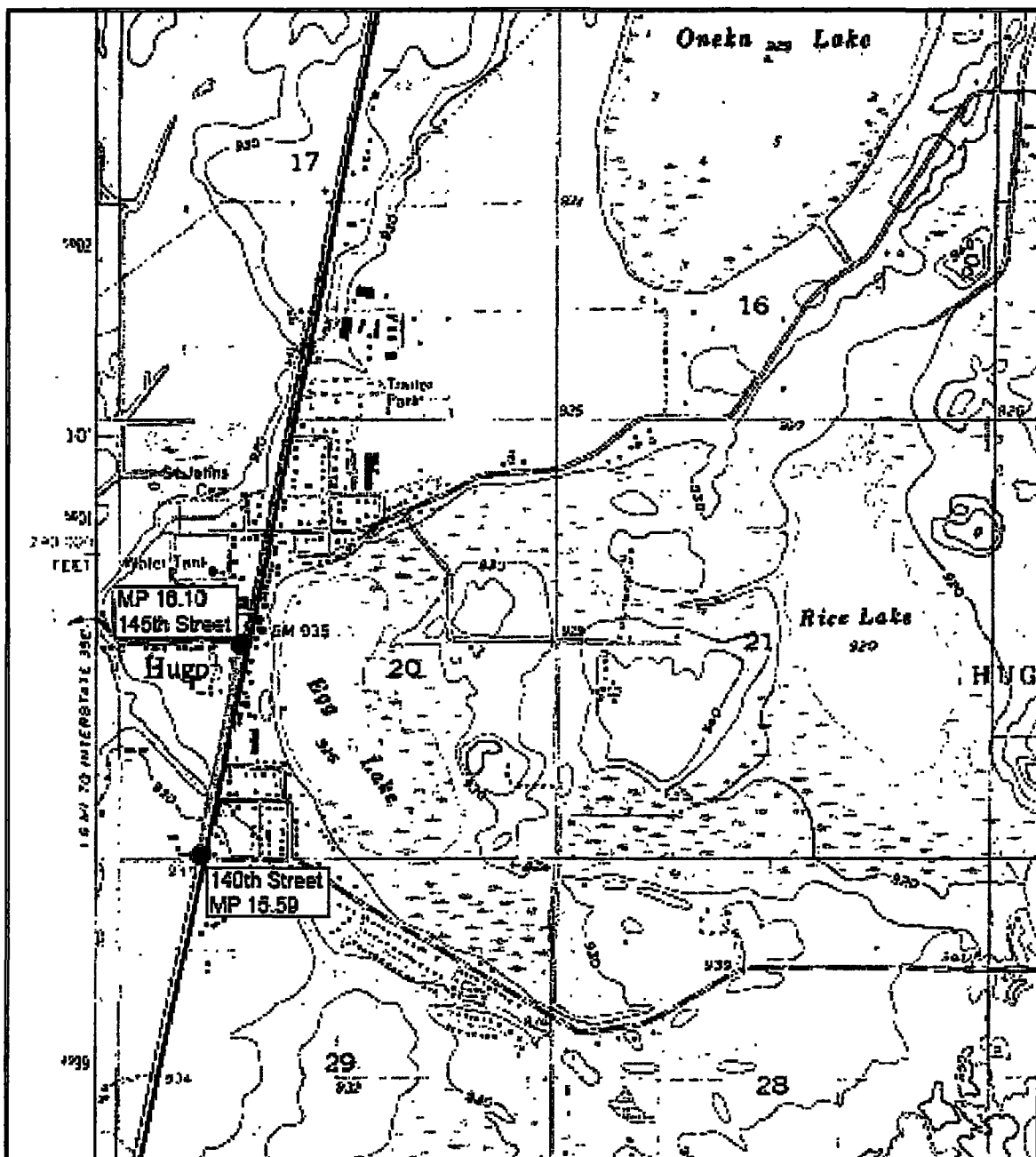
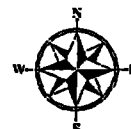


EXHIBIT B



BNSF Line Segment 214
 Milepost 15.59 to Milepost 16.10
 West Bear Subdivision
 Washington County, Minnesota

STB Docket No.
 AB-6 (Sub-No. 474X)



Base map – United States Geological Survey
 Hugo Quadrangle
 7.5-minute series
 45092-B8-TF-024

Map source date 1967 Revised 1993
 DRG Creation Date: 05/12/2010
 DMA 7474 III NW Series V872

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 474X) was mailed via first class mail on June 8, 2011, to the following parties:

State Public Service Commission

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Military Traffic Management Command

MTMCTEA
ATTN: SDTE-SE
Railroads for National Defense
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
RTCA Program
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: June 23, 2011



Courtney Biery Estes, General Attorney

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 474X) was published on June 15, 2011, in the *Stillwater Gazette*, a legal newspaper published weekly in Washington County, Minnesota as required by 49 C.F.R. § 1105.12.

Dated: June 23, 2011



Courtney Biery Estes, General Attorney

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the foregoing Environmental and Historic Reports were mailed via first class mail on June 3, 2011 to the following agencies:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

U.S. Department of the Interior
Bureau of Land Management
Eastern States
626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

Hugo City Hall
Planning Commission
14669 Fitzgerald Avenue North
Hugo, MN 55038

NOAA
National Geodetic Survey
VIA E-Mail: Simon.Monroe@noaa.gov

Minnesota Department of
Natural Resources
1568 Highway 2
Two Harbors, MN 55616

US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife Service
One Federal Drive
Fort Snelling, MN 55111-4056

Minnesota Department of
Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Mr. Ernie Quintana, Regional Director
U.S. Department of the Interior
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

United States Department of Agriculture
Natural Resources Conservation Service
375 Jackson Street, Suite 600
Saint Paul, Minnesota 55101

Minnesota Historical Society
State Historic Preservation Office
345 Kellogg Boulevard West
Saint Paul, Minnesota 55102

U.S. Army Corps of Engineers
St. Paul District
180 5th St. East
Suite 700
St. Paul, MN 55101-1678

Wayne H. Sandberg, P.E.
Deputy Director/Assistant County Engineer
Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082-9573

Bill Gardner, Director
Minnesota Department of Transportation
Freight, Rail, & Waterways
Office of Freight and
Commercial Vehicle Operations
Mail Stop 470
395 John Ireland Boulevard
St. Paul, MN 55155

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155



Courtney Biery Estes, General Attorney

EXHIBIT D

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN WASHINGTON COUNTY,)	(SUB-NO. 474X)
MINNESOTA)	

ENVIRONMENTAL REPORT

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Service Date: June 3, 2011

ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon 0.51 miles of rail line located between Milepost 15.59 and Milepost 16.10, at Hugo, in Washington County, Minnesota (the "Line"). The Line is currently under lease to Minnesota Commercial Railway who will also be filing a discontinuance of service over this line. A map of the project area is attached as **Exhibit A**.

The Washington County Regional Railroad Authority wishes to railbank the line for use as a trail until such time it may be needed for multi-modal transportation opportunities. See **Exhibit B**, attached letter from Washington County.

The following information addresses BNSF's salvage process as it relates to this project:

The proposed abandonment will include the removal of the rails and ties, but the railroad right-of-way, ballast and culverts will remain in place. There are no bridges on this rail line.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum

disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the Line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fill or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board (OEA) in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Because of the low volume of traffic on the Line, only limited maintenance has been performed on the Line in recent years. Therefore, the proposed abandonment will have limited impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be not to abandon the Line and forego the opportunity costs of not salvaging the Line.

(2) Transportation System *Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. There has been no local or overhead traffic on this Line for over two years. Therefore, the proposed abandonment will have no adverse effect on local or regional transportation systems or patterns.

(3) Land Use

(i) *Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

The proposed action is consistent with existing land use plans. The City of Hugo states in its letter dated January 25, 2011, that “the abandonment is consistent with City of Hugo land use plans.” See **Exhibit C**, attached letter from the City of Hugo.

(ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.*

Paul A. Flynn, Natural Resources Conservation Service, states in his letter dated January 20, 2011 (see attached **Exhibit D**), “Since your project does not appear to permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA.”

(iii) *If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.*

BNSF does not believe the proposed abandonment is located within a designated coastal zone. BNSF contacted the Minnesota Department of Natural Resources concerning the proposed abandonment (see attached **Exhibit E**) and as of the date of this Environmental Report, Minnesota Department of Natural Resources has not responded to our inquiry.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

The right-of-way does not appear to be suitable for alternative public use other than a recreational trail. The Washington County Regional Railroad Authority wishes to railbank the line for use as a trail until such time it may be needed for multi-modal transportation opportunities.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will not adversely affect movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) *1,000 rail carloads a year, or*

(B) *an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.*

The proposed action will not cause such diversions.

(5) **Air**

(i) *If the proposed action will result in either:*

(A) *an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or*

(B) *an increase in rail yard activity of at least 100 percent (measured by carload activity), or*

(C) *an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

(A) *an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

(B) *an increase in rail yard activity of at least 20 percent (measured by carload activity), or*

(C) *an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

The proposed action will not result in meeting or exceeding the specified thresholds in

(ii) (A), (B) or (C) above.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise *If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

- (i) an incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not Applicable.

(7) Safety

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).*

This abandonment should have no adverse effect on public health or safety. There are two (2) public at-grade crossings on the Line. The Washington County Regional Railroad Authority wishes to railbank the line for use as a trail until such time it may be needed for multi-modal transportation opportunities.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds;*

safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF does not believe the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. Patrick G. Carroll, Senior Realty Officer, United States Fish and Wildlife Service, stated in his letter dated January 27, 2011, "We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments." See Exhibit F, attached letter from the United States Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF does not believe the proposed abandonment is likely to affect any wildlife sanctuaries or refuges, or any National or State parks or forests. BNSF contacted the

National Park Service concerning the proposed abandonment (see attached **Exhibit G**) and as of the date of this Environmental Report, the National Park Service has not responded to our inquiry.

BNSF also contacted the Bureau of Land Management concerning the proposed abandonment (see attached **Exhibit H**) and as of the date of this Environmental Report, the Bureau of Land Management has not responded to our inquiry.

(9) Water

(i) *Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

BNSF believes the proposed abandonment is consistent with applicable Federal, State and local water quality standards. BNSF contacted the United States Environmental Protection Agency concerning the proposed abandonment (see attached **Exhibit I**) and as of the date of this Environmental Report, the United States Environmental Protection Agency has not responded to our inquiry.

(ii) *Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

BNSF does not believe the proposed abandonment will affect any designated wetlands or 100-year flood plains. Tamara E. Cameron, Chief, Regulatory Branch, U.S. Army Corps of Engineers - St. Paul District, stated in her letter, "a Department of the Army permit is not required to do this work." See **Exhibit J**, attached letter from the U.S. Army Corps of Engineers.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

BNSF believes the proposed abandonment will not require any permits under Section 402 of the Clean Water Act. BNSF contacted the United States Environmental Protection Agency concerning the proposed abandonment (see attached **Exhibit I**) and as of the date of this Environmental Report, the United States Environmental Protection Agency has not responded to our inquiry.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN WASHINGTON COUNTY,)	(SUB-NO. 474X)
MINNESOTA)	

HISTORIC REPORT

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Courtney Biery Estes
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Service Date: June 3, 2011

HISTORIC REPORT

(49 C.F.R. § 1105.8)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 0.51 miles of rail line located between Milepost 15.59 and Milepost 16.10, at Hugo, in Washington County, Minnesota (the "Line"). The Line is currently under lease to Minnesota Commercial Railway who will also be filing a discontinuance of service over this line. A map of the project area is attached as **Exhibit A**.

The Washington County Regional Railroad Authority wishes to railbank the line for use as a trail until such time it may be needed for multi-modal transportation opportunities. See **Exhibit B**, attached letter from Washington County.

Following is information addresses BNSF's salvage process as it relates to this project:

The proposed abandonment will include the removal of the rails and ties, but the railroad right-of-way, ballast and culverts will remain in place. There are no bridges on this rail line.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material.

The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the Line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historic conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board (OEA) in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Because of the low volume of traffic on the Line, only limited maintenance has been performed on the Line in recent years. Therefore, the proposed abandonment will have limited impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be not to abandon the Line and forego the opportunity costs of not salvaging the Line.

HISTORIC REPORT

1. ***A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.***

The required topographic map is attached to this Report as **Exhibit A**.

2. ***A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.***

The subject Line extends approximately 0.51 miles between Milepost 15.59 and Milepost 16.10, at Hugo, in Washington County, Minnesota. The average width of the right-of-way between these two stations is 100 feet, being 50 feet on each side of the centerline of the Line. There are no federally granted rights of way involved.

3. ***Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.***

There are no bridges or other railroad structures on the Line.

4. ***The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.***

There are no bridges or other railroad structures on the Line.

5. ***A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.***

On March 8, 1861, the Lake Superior and Mississippi Railroad Company was incorporated in Minnesota. On January 1, 1872, half of the interest in the line was sold to the Northern Pacific Railway Company (NP). On July 17, 1877, the balance of the system was sold to the St. Paul

and Duluth Railroad Company. On June 15, 1900, the balance of the system was sold to NP. In 1901, the Great Northern Railway Company (GN) and NP jointly acquired control of Chicago, Burlington & Quincy Railroad Company (CB&Q). On March 2, 1970, GN and NP were merged into Great Northern Pacific and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 (Northern Lines Merger Agreement). On March 2, 1970, CB&Q then merged into the Great Northern Pacific and Burlington Lines, Inc., pursuant to an Agreement of Merger dated as of January 26, 1961 (Burlington Merger Agreement). A Certificate of Amendment of Certificate of Incorporation of Great Northern Pacific and Burlington Lines, Inc., dated February 12, 1970, was filed in the office of the Secretary of State of Delaware on March 2, 1970, and the name of the company changed to Burlington Northern Inc (BNI). In 1981, BNI changed its name to Burlington Northern Railroad Company (BNRR) and it became a wholly-owned subsidiary of BNI. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in January 2005.

6. *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

7. *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).*

BNSF contacted the Minnesota Historical Society (SHPO) in reference to the proposed abandonment. Mary Ann Heidemann, Manager, Minnesota Historical Society, stated in her letter dated February 3, 2011, "Based on the information provided, we find that the proposed project will have **no adverse effect** on the historic Northern Pacific Railroad: Lower St. Croix Segment, or any other property listed in or eligible for listing in the National Register of Historic Places." See **Exhibit K**, attached letter from Minnesota Historical Society.

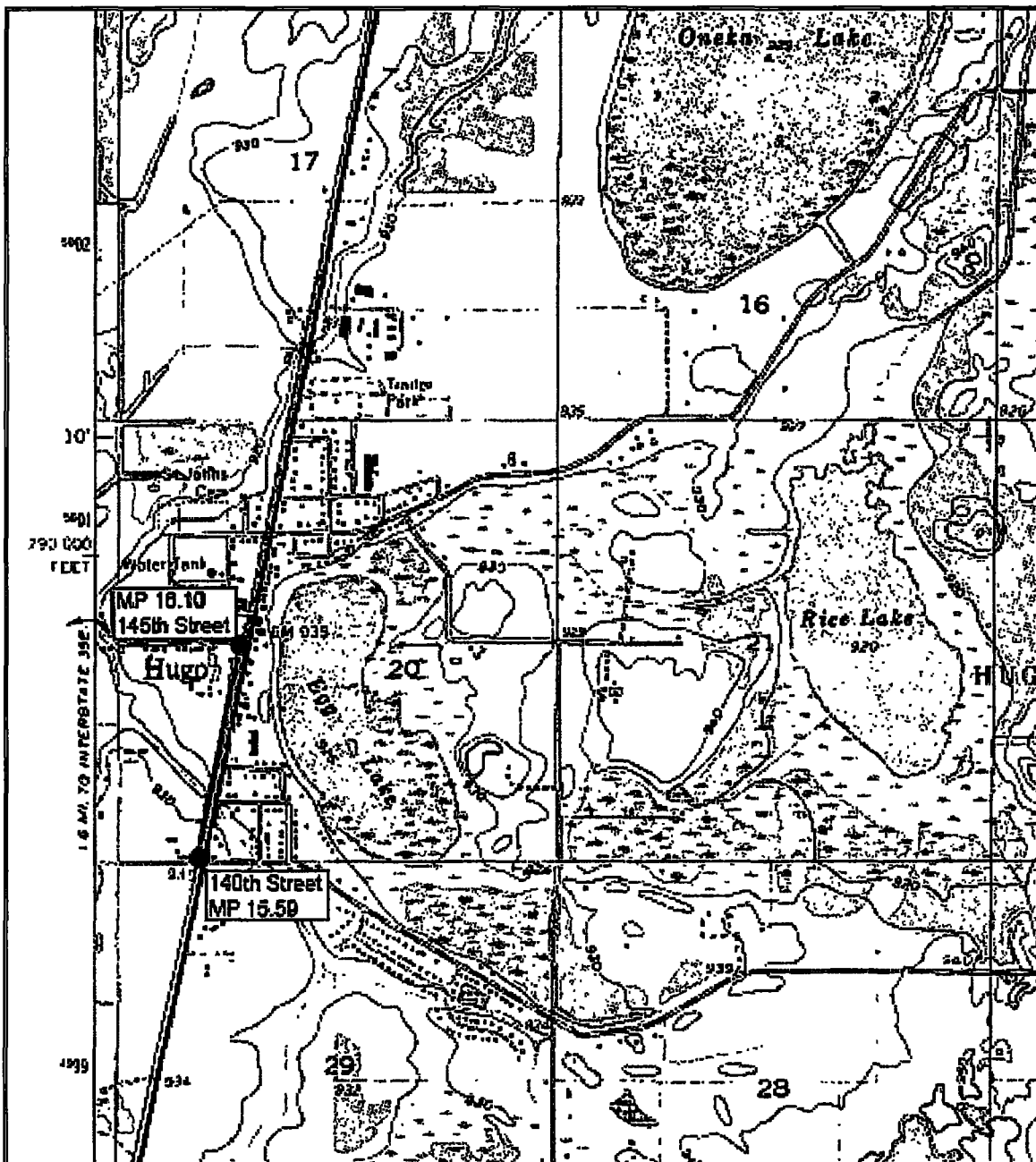
8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

9. *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).*

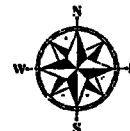
If any additional information is requested, BNSF will promptly supply the necessary information.

A



BNSF Line Segment 214
 Milepost 15.59 to Milepost 16.10
 West Bear Subdivision
 Washington County, Minnesota

STB Docket No.
 AB-6 (Sub-No. 474X)



Base map – United States Geological Survey
 Hugo Quadrangle
 7.5-minute series
 45092-B8-TF-024

Map source date 1967 Revised 1993
 DRG Creation Date: 05/12/2010
 DMA 7474 III NW Series V872

B



Public Works Department

Donald J. Thelsen, P.E.
Director/County Engineer

Wayne H. Sandberg, P.E.
Deputy Director/Assistant County Engineer

January 27, 2011

John Sims, CP
BNSF Railway Company
2500 Lou Menk Drive-AQB-3
Fort Worth, TX 76131-28-28

RAIL LINE ABANDONMENT – HUGO, MINNESOTA

Dear Mr. Sims:

Washington County has received your letter of the anticipated filing of a Notice of Exemption seeking Surface Transportation Board authority to abandon 0.51 miles of rail line in Washington County Minnesota between Milepost 15.59 and Milepost 16.10. This abandonment is consistent with the Washington County 2030 Comprehensive Plan that identifies this area as a future extension of the Hardwood Creek Regional Trail and provides a future corridor for multi-modal transportation opportunities.

Please direct a copy of the filing to Sharon Price, Property Acquisition Manager, Sharon.Price@co.washington.mn.us. Please notify our office once the abandonment is complete so we can continue to move forward in the process of acquiring this property.

We look forward to working with the BNSF Railway in implementing our plans to develop the extension of the Hardwood Creek Trail and preservation of rail line for the future.

Sincerely,

A handwritten signature in black ink that reads "Wayne Sandberg".

Wayne Sandberg, P.E.
Deputy Director

c: John Elholm, Washington County Parks Director
Ted Schoenecker, Transportation Planning Manager
Brian Bear, Hugo Community Development Director

R:\Regional Rail Authority\WCRRRA\Property Management\BNSF Property Acquisition\BNSFabandonment1-24-11.docx

C



14669 Fitzgerald Avenue North, Hugo, MN 55038 (651) 762-6300 www.ci.hugo.mn.us

January 25, 2011

BNSF Railway Company
2500 Lou Menk Drive- AOB-3
Fort Worth, Texas 76131-2828

***RE: STB Docket No. AB (Sub-No. 474X) BNSF Railway Company-Abandonment
Exemption- in Washington County, Minnesota***

John A. Sims,

On behalf of the City of Hugo, support of the abandonment of .51 miles of rail line in Washington County, Minnesota between Milepost 15.59 and Milepost 16.10 is given. The abandonment is consistent with City of Hugo land use plans. There are no existing or planned uses in this area of the city that require rail use.

The abandonment may allow for the construction of a trail that is an important connection in the City of Hugo Trail and Sidewalk Plan. For your reference, the Trail and Sidewalk Plan is attached. The abandonment of the railway may allow for a connection to be made between two significant regional trails: the Hardwood Creek Regional Trail and the Glacial Hills Regional Trail. It also provides access to the sidewalks and trails along Fenway Boulevard and the surrounding neighborhoods.

Feel free to contact me at 651-762-6300 with any questions or concerns.

Sincerely,

Bryan Bear
Community Development Director

Enc: City of Hugo Trails and Sidewalk Plan

CC: Honorable Mayor and Hugo City Council
Parks, Recreation and Open Space Commission
Michael A. Ericson, City Administrator
Scott Anderson, Public Works Director
Ann Pung-Terwedo, Washington County Senior Planner

D

United States Department of Agriculture



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

January 20, 2011

Mr. John A. Sims
BNSF Railway Company
2500 Lou Menk Drive
Fort Worth, Texas 76131-2828

IN REPLY REFER TO: Washington County, MN Abandonment

Dear Mr. Sims:

The Natural Resources Conservation Service (NRCS) has reviewed the above-referenced project. The project sponsors are not USDA program benefit recipients, thus the wetland conservation provisions of the 1985 Food Security act, as amended, are not applicable. It should be noted, however, that actions by a non-USDA participant third party (project sponsor) which impact agricultural wetlands owned or operated by USDA participants, may jeopardize the owner/operator's USDA eligibility. If such impacts are anticipated, the owner/operator should contact the county Farm Service Agency (FSA) office to consider an application for a third party exemption.

The following agencies may have federal or state wetlands, floodplain delineation, cultural resources, water quality, air quality or threatened and endangered species jurisdiction in the proposed project, and should be consulted:

- Board of Water and Soil Resources (BWSR) - Minnesota Wetlands Conservation Act
- Minnesota Department of Natural Resources (MDNR)

Finally, if as a result of your proposal you are affecting agricultural lands, and if any federal monies are involved, it is a requirement that a Farmland Policy Protection Act (FPPA) site assessment be appropriately filed. Since your project does not appear to permanently affect agricultural land, this precludes the need for further action on this project as required by the FPPA.

Our agency appreciates your thorough follow up on the environmental review requirements of this project. We compliment your sincere efforts to have complied with all economic, social, and environmental review requirements when federal funds are part of project financing. We have no additional comments on your proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Flynn", followed by a horizontal line.

PAUL A. FLYNN
Environmental Review and Justice Program

cc: Timothy Wilson, Asst. State Conservationist, (Field Operations), NRCS, Brooklyn Center, MN

Helping People Help the Land

An Equal Opportunity Provider and Employer



E



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2378
fax 817-352-2397
Email – john.sims@bnsf.com

January 10, 2011

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

**Re: STB Docket No. AB-6 (Sub-No. 474X) – BNSF Railway Company -
Abandonment Exemption – in Washington County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.51 miles of rail line in Washington County, Minnesota, between Milepost 15.59 and Milepost 16.10, in Hugo.

As part of the environmental report, BNSF is required to contact your agency to determine if the proposed abandonment:

1. will affect land or water uses within a designated coastal zone;
2. is consistent with applicable Federal, State or local water quality standards (with a description of any inconsistencies identified); and
3. will require permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342).

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails and ties however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 31, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Sims", with a long horizontal flourish extending to the right.

John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF mark.norton@bnsf.com

F



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

January 27, 2011

Mr. John A. Sims, CP
Paralegal, Law Department
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828

Dear Mr. Sims:

Thank you for the opportunity to comment on the proposed abandonment of service on 0.51 miles of railroad line between Milepost 15.59 and Milepost 16.01, in Hugo, Washington County, Minnesota; STB Docket No. AB-6 (Sub-No. 474X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

for Patrick G. Carroll
Senior Realty Officer
Division of Realty

G



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2378
fax 817-352-2397
Email - John.sims@bnsf.com

January 10, 2011

Mr. Ernie Quintana, Regional Director
U.S. Department of the Interior
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

**Re: STB Docket No. AB-6 (Sub-No. 474X) BNSF Railway Company –
Abandonment Exemption – in Washington County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.51 miles of rail line in Washington County, Minnesota, between Milepost 15.59 and Milepost 16.10, in Hugo.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails and ties however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

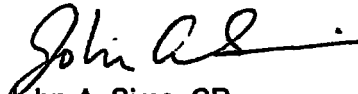
Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 31, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2378
fax 817-352-2397
Email – john.sims@bnsf.com

January 10, 2011

U.S. Department of the Interior
Bureau of Land Management
Eastern States
626 E. Wisconsin Avenue, Suite 200
Milwaukee, Wisconsin 53202-4617

**Re: STB Docket No. AB-6 (Sub-No. 474X) BNSF Railway Company –
Abandonment Exemption – in Washington County, Minnesota**

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.51 miles of rail line in Washington County, Minnesota, between Milepost 15.59 and Milepost 16.10, in Hugo.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails and ties however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 31, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF – mark.norton@bnsf.com



John A. Sims, CP
Paralegal
Law Department

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-2828
tel 817-352-2376
fax 817-352-2397
Email john.sims@bnsf.com

January 10, 2011

US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

***Re: STB Docket No. AB-6 (Sub-No. 474X) BNSF Railway Company –
Abandonment Exemption – in Washington County, Minnesota***

BNSF Railway Company ("BNSF") anticipates filing in a few weeks a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.51 miles of rail line in Washington County, Minnesota, between Milepost 15.59 and Milepost 16.10, in Hugo.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment should not disturb more than one (1) acre of land.**

For your reference I have attached a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The referenced proposed abandonment will include the removal of the rails and ties however, railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not to place fills or other material in water bodies, including inland waterways.** When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Office of Environmental Analysis of the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including OEA-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by January 31, 2011. You may contact me by email or phone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP
Paralegal

Enclosure as stated

cc via email: Kristy Clark – BNSF – kristy.clark@bnsf.com
Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Susan Odom – BNSF susan.odom@bnsf.com
Mark Norton – BNSF mark.norton@bnsf.com



**DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678**

JAN 25 2011

REPLY TO
ATTENTION OF

Operations
Regulatory (2011-00200-DJS)

Mr. John Sims
2500 Lou Menk Drive-AOB-3
Fort Worth, Texas 76131-2828

Dear Mr. Sims:

We have reviewed information about your permit request to abandon and remove the rails and ties of 0.51 miles of existing rail line, leaving the railroad right of way, ballasts and culverts in place so as not to alter the prevailing water flows along the line. The project site is located in Sec. 20, T. 31N., R. 21W., Washington County, Minnesota.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material, including that associated with mechanical land clearing, will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

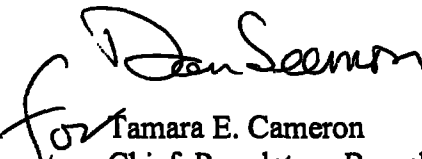
The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

Operations
Regulatory (2011-00200-DJS)

- 2 -

If you have any questions, contact **Dan Seemon** in our St. Paul District office at (651) 290-5380. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


for Tamara E. Cameron
Chief, Regulatory Branch

Copy furnished to :
Craig Wills MN DNR



STATE HISTORIC PRESERVATION OFFICE

February 3, 2011

Mr. John Sims
Law Department, BNSF Railway
2500 Lou Monk Drive – ABO 3
Ft. Worth TX 76131-2828

RE: STB Docket No. AB-6 (Sub-No. 474X)
Abandon .51 miles of rail line between milepost 15.59 and 16.10
Hugo Twp., Washington County
SHPO Number: 2011-1086

Dear Mr. Sims:

Thank you for the opportunity to comment on the above project. Our review of this matter is based on the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

The railway segment proposed for abandonment is part of the historic Northern Pacific Railroad: Lower St. Croix Segment, and has been previously determined eligible for listing in the National Register of Historic Places.

From the project description included in your letter, we understand that the rail abandonment will include removal and salvaging of the rails and ties; but the railroad right-of-way, grade, ballast and culverts will be left in place. Further, there are no rail bridges or other rail-related structures included in the segment proposed for abandonment.

Based on the information provided, we find that the proposed project will have **no adverse effect** on the historic Northern Pacific Railroad: Lower St. Croix Segment, or any other property listed in or eligible for listing in the National Register of Historic Places.

If you have any further questions about our review, I can be reached at (651) 259-3456.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kelly Heidemann'.

Mary Ann Heidemann, Manager
Government Programs and Compliance

cc: Susan Odom, BNSF Railway